IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR.

COMPANY APPEAL NO. 2 OF 2006

Madhyadesh Papers Limited .vs. Shantikumar G. Patni

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrars orders.	Court's or Judge's orders.

CORAM: A.P. LAVANDE & R.V. MORE, JJ.

DATED : AUGUST 9, 2007.

Heard Mr. S.S. Ghate, learned Counsel for the appellant and Mr. Anilkumar, learned Counsel for the respondent.

By this company appeal, the appellant challenges order dated 9.1.2006 passed by the learned Single Judge in Company Petition No.4/05 by which Company Petition was allowed and the appellant company was ordered to be wound up under Section 433-E read with Section 434 of the Companies Act and Official Liquidator attached to this Court was appointed Liquidator to take possession of assets, etc. of the company.

The learned Counsel appearing for the respondent, states that the entire amount due to the respondent has been now paid by the appellant and Mr.

Ghate, learned Counsel for the appellant, submits that in view of the payment made by the appellant, the appeal be allowed and impugned order dated 9.1.2006 passed in Company Petition No.4/05 be quashed and set aside. Mr. Anilkumar has no objection if the impugned order is set aside.

Considering the fact that entire amount has been paid and the impugned order was passed on account of non-payment of the amount by the appellant to the respondent, we are of the opinion that it would be in the interest of justice to quash and set aside order dated 9.1.2006 passed by learned Single Judge in Company Petition No. 4/05.

In the result, the appeal is allowed. The impugned order dated 9.1.2006 passed by learned Single Judge in Company Petition No. 4/05 is quashed and set aside.

In view of disposal of the main appeal, nothing survives in the Company Application No.3/06. Accordingly, Company Application No. 3/06 stands disposed of.

JUDGE. **JUDGE.**

J.